

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05cv235**

PURE COUNTRY WEAVERS, INC.,)

Plaintiff,)

Vs.)

**BRISTAR, INC.; THE PARADIES
SHOPS, INC.; JOHN AND JANE
DOES (1-100); and ABC
CORPORATIONS (1-100),**)

Defendants.)

THE PARADIES SHOPS, INC.,)

Cross-Plaintiff,)

Vs.)

BRISTAR, INC.,)

Cross-Defendant.)

BRISTAR, INC.,)

Cross-Plaintiff,)

Vs.)

THE PARADIES SHOPS, INC.,)

Cross-Defendant.)

ORDER

THIS MATTER is before the court on plaintiff's Motion for Voluntary Dismissal With Prejudice. Such motion was filed on November 1, 2006, and has not

been responded to in any manner. While the undersigned could certainly enter a Memorandum and Recommendation on such motion, it would be a complete waste of judicial resources. The proper way for a party to cause the dismissal of a case in federal court is to file a Stipulation of Dismissal as provided in Rule 41(a), Federal Rules of Civil Procedure:

Rule 41. Dismissal of Actions

(a) Voluntary Dismissal: Effect Thereof.

(1) By Plaintiff; By Stipulation.

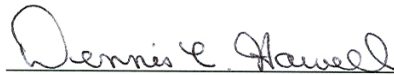
Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of the United States, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

Fed.R.Civ.P. 41(a)(1). Furthermore, it is unclear from the pleadings now before the court whether the parties are intending to dismiss this action in its entirety and what the status is concerning other pending motions. A hearing will be calendared for December 5, 2006, at 10 a.m., at which all counsel of record for all parties shall attend to discuss with the court the status of the case. In lieu thereof, a stipulation of voluntary dismissal of all claims by all parties may be filed with the court not later than December 1, 2006.

ORDER

IT IS, THEREFORE, ORDERED that a status hearing is calendared for December 5, 2006, at 10 a.m in Asheville at which all counsel of record shall be present.

Signed: November 22, 2006

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Dennis L. Howell
United States Magistrate Judge

